

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 29, 2006

Regulation Package #1005-16

CDSS MANUAL LETTER NO. EAS-06-01

TO: HOLDERS OF THE EAS MANUAL

Regulation Package #1005-16**Effective 04/03/06****Sections: 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, and 44-111**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

Senate Bill 1104, Chapter 229, Statutes of 2004, and SB 68, Chapter 78, Statutes of 2005, amends the CalWORKs Welfare-to-Work program. The CalWORKs Welfare-to-Work program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act in 1996 and limits cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to assist them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the emergency regulations will enhance the program's "work first" approach and establish a universal engagement requirement that will engage families as soon as possible in services they need to become economically self-sufficient. Participation requirements are also a key component in obtaining the CalWORKs program goal. The emergency regulations eliminated the 18- or 24-month time limit on participation in specified education and training activities and require adults to participate in at least 20 hours per week in core welfare-to-work activities that will provide them with the necessary training to obtain employment. The balance of their 32- or 35-hour per week participation requirement can be spent in other specified non-core activities that will aid recipients in obtaining employment.

Additionally, the emergency regulations make other technical, conforming changes, such as renumbering sections and amending cross references as necessary.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures.
The latest prior manual letter containing EAS changes was EAS-05-03.

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Attachments

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- (1) The recipient has not failed to meet satisfactory participation, attendance, and progress requirements, without good cause, as evidenced by the absence of an instance or instances of noncompliance that resulted in a welfare-to-work financial sanction during the time an individual was a mandatory welfare-to-work participant.
- (A) For purposes of this section, a sanction received while the individual was a volunteer in the CalWORKs welfare-to-work program pursuant to MPP Section 42-712.51, or an aid recipient in another state shall not be considered a welfare-to-work sanction.
- (2) The recipient has an instance or instances of noncompliance that resulted in a welfare-to-work sanction or sanctions; however, the individual has also maintained a sustained period or periods of welfare-to-work participation despite the presence of an impairment or combination of impairments, as determined pursuant to MPP Sections 42-711.56, 42-711.57, or 42-711.58, including domestic abuse, as determined pursuant to MPP Section 42-715.
- (A) For purposes of this section, six months, or two or more periods of welfare-to-work participation within a consecutive 24-month period, including participation in orientation/appraisal, job search, assessment/evaluations, and post-assessment activities, that total six-months or more shall be considered a sustained period.
- (B) For purposes of this section, an impairment is one not so severe that it meets the welfare-to-work exemption or waiver requirements in MPP Sections 42-712.44 or 42-715, respectively, but nevertheless limits an individual's ability to perform the physical and/or mental functions necessary to maintain employment or participate in welfare-to-work activities.

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(b) Upon the county's determination that the individual has a history of participation and full cooperation in welfare-to-work, the county shall assess the individual's current ability to maintain employment or participate in welfare-to-work activities.

(1) For purposes of this section, an individual who is fully participating in her/his welfare-to-work assignment upon reaching the 60-month time limit shall be considered able to maintain employment or participation unless the individual's required welfare-to-work activity has been modified in accordance with MPP Section 42-302.114(b)(2)(B).

(A) For purposes of this section an individual is fully participating if she/he is meeting their 32 or 35 hours of participation requirement or successfully participating in unsubsidized employment and/or other welfare-to-work activities for the number of hours an appropriate activity is reasonably available.

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Example of an individual who is able to maintain employment and is participating for less than the required 32 or 35 hours per week: Due to a business slowdown, a recipient, who has received 58 countable months of aid, had her hours of unsubsidized employment reduced from 38 hours to 25 hours per week. Another appropriate welfare-to-work activity including, but not limited to job search, that would allow her to meet the 32- or 35-hour per week participation requirement and is consistent with her plan, does not become available before the recipient reaches her 60-month time limit. Although the recipient is not participating for the required number of hours, she is not subject to a sanction and is considered able to maintain employment.

Example of an individual who may be considered incapable of work and is participating for the required 32 or 35 hours per week through a modification of her/his welfare-to-work activities:

A recipient has a documented physical impairment, chronic back pain following surgical treatment for a back injury, and history of substance abuse. Upon reaching her 60-month time limit, the recipient's welfare-to-work participation consists of substance abuse treatment, pain management classes, and community service as a clerical assistant.

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(2)

The county's determination that an individual is incapable of maintaining employment or participating in welfare-to-work activities shall be based upon, but not limited to, any of the following criteria:

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| | (A) | The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), that is of such severity that the individual is incapable of successfully maintaining employment or participation in welfare-to-work activities for 20 or more hours per week. |
| | (B) | The individual has a documented impairment as specified in MPP Section 42-302.114(a)(2), and is maintaining her/his participation in welfare-to-work activities only through a significant modification of the individual's welfare-to-work activities. |
| | 1. | For purposes of this section, a significant modification includes but is not limited to: mental health counseling; substance abuse treatment; domestic abuse services; a supported work environment, which is characterized by close supervision, graduated performance expectations, and peer support; or additional time to complete an activity. |
| | (C) | The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), and due to local labor market conditions there is a lack of employers that could reasonably accommodate the individual's physical and/or mental limitations. |

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| .3 Requesting Exemptions/Exceptions | | An applicant or a recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption to the 60-month time limit, as specified in MPP Sections 42-712 and 42-302.21 or an exception to the 60-month time limit as specified in 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form, if necessary to complete the request. |
| (a) | | A completed exemption/exception request by the applicant/recipient can be a verbal request if all required information to make a determination on the request is available to the county. |
| (b) | | Exemptions/exceptions that do not require a written request include, but are not limited to, 60 years of age or older, aid reimbursed by child support collected, grant amounts less than \$10, and receiving only supportive services. |
| .31 Exemption/ Exception Request Form | | The form to request an exemption or exception shall include, but is not limited to, the following: |
| (a) | | A description of the exemptions to the CalWORKs 60-month time limit, provided in MPP Section 42-302.21, and a description of the 60-month time limit exceptions, provided in MPP Section 42-302.11. |

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WELFARE-TO-WORK**

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CHAPTER 42-700 WELFARE-TO-WORK

42-701 INTRODUCTION TO WELFARE-TO-WORK

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.1 Background

The California Work Opportunity and Responsibility to Kids (CalWORKs) Act became operative in 1998. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment while meeting the federal participation requirements.
- (c) Mandatory core welfare-to-work participation hours. Unless exempt, adult recipients are required to participate in at least a minimum average of 20 hours per week of core welfare-to-work activities. The balance of their 32- or 35-hour per week participation requirement shall be spent in either core or non-core activities. All welfare-to-work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic abuse services.

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.2 Definitions for Terms Used in This Chapter

- (a) (1) "Adult Basic Education" means a welfare-to-work activity which includes instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b) Reserved

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- (c) (1) "CDSS" means the California Department of Social Services.
- (2) "Certificate" means a document issued by a two or four year accredited college, ROP/C Program, or adult education provider indicating that the individual has achieved a specified level of educational/vocational proficiency.
- (3) "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills that can lead to employment while meeting a community need.
- (4) "Core Welfare-to-Work Activities" means any of the following welfare-to-work activities: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self-employment, community service, vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211), and job search and job readiness assistance. Adult basic education, job skills training directly leading to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.
- (5) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county level.
- (6) "Custodial Parent" means the parent(s) who lives with the child.
- (d) (1) "Degree" means a document issued by a two or four year accredited college or university indicating that individual has successfully completed a prescribed course of study.
- (2) "Doctor" means a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists.
- (3) "Domestic Abuse" means assaultive or coercive behavior which includes physical abuse, sexual abuse, psychological abuse, economic control, stalking, isolation, threats, or other types of coercive behaviors occurring within a domestic relationship.
- (4) "Domestic Relationships" are relationships between or among:
 - (A) Adults or minors who are a current or former spouse;

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- (B) Adults or minors who live together or have lived together;
- (C) Adults or minors who are dating or have dated;
- (D) Adults or minors who are engaged in or who have engaged in a sexual relationship;
- (E) Adults or minors who are related by blood or adoption;
- (F) Adults or minors who are or formerly were related by marriage;
- (G) Adults or minors who are engaged or were formerly engaged to be married;
- (H) Persons who have a child in common;
- (5) Domestic abuse is also abuse perpetrated:
 - (A) Against minor children of persons in Sections 42-701.2(d)(4)(A) through (H); or
 - (B) When an adult or minor acts in concert with or on behalf of a perpetrator in a relationship identified in Sections 42-701.2(d)(4)(A) through (H).
- (e) (1) "Employment" means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.
- (2) "Exempt" means that a CalWORKs applicant or recipient is not required to participate in Welfare-to-Work activities as a condition of eligibility for aid.
- (f) (1) "Fixed-Unit Price" means a set fee or price for a single component or group of services that achieve a specific goal.
- (g) (1) "GAIN" means Greater Avenues for Independence.
- (2) "Grant-Based On-The-Job Training (OJT)" is a funding mechanism for subsidized public or private sector employment or OJT in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, or both, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant, so long as the total amount diverted does not exceed the family's maximum aid payment. Grant savings from employment is the net nonexempt income from employment, as determined pursuant to Section 44-111.2. Grant-based OJT may include community service positions.

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(h) Reserved

(i) (1) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.

(j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides funding for job creation activities that will provide employment for recipients.

(2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.

(3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.

(k) Reserved

(l) (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.

(2) "Learning Disabilities" means a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities.

These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur together with other handicapping conditions (e.g., sensory or mental impairment); or environmental retardation, social and/or emotional disturbance influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors); it is not the direct result of those conditions or influences.

For the purposes of the CalWORKs Welfare-to-Work program, these disorders interfere with the participant's ability to obtain or retain employment or to participate in welfare-to-work activities.

(m) Reserved

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- (n) (1) "Non-core Welfare-to-Work Activities" means any of the following welfare-to-work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance.
- (o) Reserved
- (p) (1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.
- (2) "Protocol" means procedures, methods, a prescribed plan of action, or a set of rules that will govern actions.
- (q) Reserved
- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.
- (s) (1) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs.
- (3) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.
- (t) Reserved
- (u) (1) "Universal Engagement" means non-exempt individuals are required to participate in welfare-to-work activities by signing a welfare-to-work plan within the time frames specified in Section 42-711.62.

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- (v) (1) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "WtW Grant program" means the Welfare-to-Work (WtW) Grant program as described in 42 U.S.C. 603(a)(5), authorizing the U.S. Department of Labor to provide WtW grants to states and local communities.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.
- (3) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code. Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.8(c), (d), and (e), 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)(5).

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42-702	CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS	42-702
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- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

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| Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

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.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:

.111 Determine whether the individual is required to participate in welfare-to-work activities.

.112 Provide the individual, in writing and orally as necessary, with information including:

(a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.

(b) A description of the core and non-core welfare-to-work activities, the core requirement, and when the non-core activities may count toward the core requirement.

(c) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.

.12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

.2 Cal-Learn Exclusion

.21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

.311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:

(a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

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- (b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

.32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.

- (a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

.412 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month in welfare-to-work activities for a minimum average per week of 35 hours.

- (a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

- (b) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent's participation is a minimum average of 20 hours per week.

- (1) If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare-to-work activities.

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.422 To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.

- (a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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.511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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.512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.

.52 Appraisal

.521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.

.522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:

- (a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section 42-716.11 and for the required number of participation hours pursuant to Sections 42-716.2, .21, and .22.

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- (b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11.
- (1) Information regarding child care shall include the following:
- (A) For an individual to receive child care, he or she must request and be determined eligible for the services:
- (B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and
- (C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).
- (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
- (1) A list of the exemptions from the required participation pursuant to Section 42-712;
- (2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
- (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
- (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
- (5) The right to a third-party assessment, pursuant to Section 42-711.556.

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(d) A statement that the participant has the following grace periods:

- (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.646.
- (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.647.

(e) School attendance requirements for children in the assistance unit.

.523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.

.524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

.53 Job Search

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.
- (b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
 - (1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

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.532 Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Section 42-711.531 and .533, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.

- (a) Job search activities may include use of job clubs to identify the participant's qualifications.
- (b) The CWD shall consider the skills and interests of participants in developing a job search strategy.

.533 The period of job search activities may be shortened under the following circumstances:

- (a) The participant and the CWD agree that further job search activities would not be beneficial; or,
- (b) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.

.534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.

.535 Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment in accordance with Section 42-716.11, if:

- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
 - (1) The date he or she is appraised, or
 - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (b) He or she is making satisfactory progress in that program;

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(Continued)

(c) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and

(d) The welfare-to-work plan reflects that determination.

.542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.

(a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.

(1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

(b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.

(1) The recipient shall be allowed to continue in the program up to the time period specified in Section 42-716.11, if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.

(c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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.544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.31(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement.

.545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.

- (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.

.546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.

- (a) Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

.547 Any recipient may continue until the beginning of the next educational semester or quarter break in his or her educational program that does not meet the criteria of Section 42-711.541, if:

- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
- (1) The date he or she is appraised, or
- (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment:

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(b) He or she is making satisfactory progress in, the educational program;

(c) He or she continues to make satisfactory progress in the program.

.548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

(a) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education provided:

(1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;

(2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and

(3) The welfare-to-work plan reflects that determination.

.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

(a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421;

(b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial, or;

(c) The CWD decides to shorten job search because it is not likely to lead to employment.

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(Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

(a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan.

(b) They shall also be informed that if they do not go to assessment, they will only receive necessary supportive services from the CWD.

.553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

.554 The assessment shall include at least all of the following:

(a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.

(b) The participant's educational history and present educational competency level.

(c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.

(d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.

(e) Local labor market information.

(f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.

(g) Identification of available resources to complete the welfare-to-work plan.

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.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.31 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

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| .6 Welfare-to-Work Plan and Universal Engagement

| .61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

| .611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency.

| .612 A copy of the complete, signed plan shall be provided to the participant.

| .62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

| .621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of job search if job search, as defined in Sections 42-701.2(j)(2) and (3), and as specified in Section 42-711.53, is initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.

| (a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

| .622 The 90-day period specified in Section 42-711.62 and the 30-day period specified in Section 42-711.621 do not include the following:

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(a) Time in good cause, compliance, and sanctioning processes pursuant to Section 42-721, including the participation time in activities to end a sanction.

(1) “Time in good cause” pursuant to Section 42-711.622(a) includes time when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause.

(b) Time between the date a learning disability evaluation appointment is scheduled and the date the county receives the final report, up to a maximum of 90 days. After the final report from the learning disability evaluator is received by the county, or on the 91st day if the final report has not been received, the 30- and 90-day periods resume.

.623 Except for Sections 42-711.621 and .622, the 90-day and 30-day time frames start as follows:

(a) The date of the notice of action that informs a non-exempt individual of his or her initial eligibility for aid when he or she is eligible for aid on the date of application.

(b) The date a non-exempt individual begins receiving aid when the individual is initially ineligible for aid on the date of application and the county has determined that he or she will be eligible for aid within 60 days in accordance with Section 40-171.11.

(c) The date an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county knows this date in advance.

(d) The date the county learned an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan and the county does not know this date in advance, but no longer than 30 days from the date the individual was required to participate.

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- .624 Example 1: An individual, upon receipt of aid, was granted a 6 month exemption from welfare-to-work participation due to the birth of a child; therefore, she will not be required to sign a welfare-to-work plan until after her exemption ends on June 15. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from June 16 pursuant to Section 42-711.623(c).
- .625 Example 2: An individual's 90-day period in which the county must develop her welfare-to-work plan begins on the date she is eligible for aid. Forty days into the 90-day period she is diagnosed with a medical condition and is exempted from participation for four months, until November 5. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from November 6 pursuant to Section 42-711.623(c).
- .626 Example 3: An individual's 90-day period in which the county must develop his welfare-to-work plan begins the date he is eligible for aid. Thirty days into the 90-day period, and prior to assessment, the individual finds a job and begins participating for a sufficient number of hours of unsubsidized employment to meet the work participation requirement and is not required to sign a welfare-to-work plan. Six months later the individual loses his job, through no fault of his own, and is required to sign a plan. The county has 90 days to develop, and have the individual sign, a welfare-to-work plan, pursuant to Section 42-711.623(c) or (d), depending on the date the county learns of the individual's job loss.
- .627 Example 4: An individual has been receiving aid for two years. Prior to assessment she was participating in sufficient hours of unsubsidized employment to meet her work participation requirement and not required to sign a welfare-to-work plan. During the county's monthly monitoring of the individual's participation, on June 8, the county discovered that she lost her job on May 27. Because the county learned of the individual's job loss within 30 days of occurrence, the county has up to 90 days from June 8, to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).
- .628 Example 5: Identical circumstances as in Example 4, except that the individual lost her job on April 27. Because the county learned of the individual's job loss after the 30-day period, the county has up to 90 days from May 27 to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).

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- .63 A participant shall take part in one or more welfare-to-work activities for the required minimum hours as specified in Section 42-716.2 and provided in the welfare-to-work plan.
- .64 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
 - .641 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2).
 - .642 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
 - (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.411 or .421, and as non-core hours as allowed under Section 42-716.22.
 - (b) The plan shall outline how hours of participation in core and/or non-core welfare-to-work activities satisfy the participation requirements pursuant to Section 42-716.2.
- .643 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
- .644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.31(k).
- .645 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.

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- .646 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
- .647 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
- (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
- (b) This grace period will be available only once to each participant.
- .648 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.
- (a) Job search activities are subject to the limits described in Section 42-711.53.

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- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

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- .65 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.

.7 Reappraisal

- .71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.
- .711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the appraisal.
- .712 If extenuating circumstances do not exist, and until the CWD reverses this determination, the participant must participate in activities that are limited to the following:

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- (a) Unsubsidized employment.
- (b) Work experience as defined in Section 42-701.2(w)(3).
- (c) Self-employment.
- (d) Job skills training directly related to employment.
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.4, 42-716.5, and 42-716.31(q), respectively.

.8 Satisfactory Participation

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454, 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

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- (b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.
- .5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.
- | .51 For purposes of Section 42-715.5, a volunteer participant is as follows:
 - | .511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or
 - | .512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate.

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- | (a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer.

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- | .6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 60-month time limit described in Section 42-302. Other exclusions from the 60-month time limit are listed in Section 42-302.
 - | .61 Being age 60 or older as described in Section 42-712.43;
 - | .62 Having a disability as described in Section 42-712.44; or
 - | .63 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.
- | .7 Renumbered to Section 42-712.6 by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.
Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

42-713	GOOD CAUSE FOR NOT PARTICIPATING	42-713
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- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
 - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
 - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
 - .21 Lack of necessary supportive services.
 - .22 The applicant or recipient is a victim of domestic abuse.
 - .221 CalWORKs Program requirements, including the time limit on receipt of assistance described in Section 42-302, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities, in accordance with Section 42-715.
 - (a) The criteria for granting waivers shall include provisions that ensure:
 - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
 - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and
 - (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

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- (b) Examples which may constitute good cause for waiving program requirements for victims of domestic abuse include, but are not limited to:
- (1) The participant is fleeing the abuser and is in temporary housing or is homeless;
 - (2) The participant has entered a shelter;
 - (3) The participant is concerned about the safety of his/her children;
 - (4) The participant is a party to a restraining order or divorce action against the abuser; or
 - (5) The participant and/or the children are undergoing counseling to cope with the effects of the abuse.

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- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
- .231 A child 10 years of age or younger, or
 - .232 A child 11 years of age or older as described in Section 47-201.22 or .23, or
 - .233 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Sections 42-713.23 and 42-713.24, reasonably available means at least one appropriate, suitable, and affordable child care arrangement that is commonly available in the participant's community to a person who is not receiving aid, that is available to parents during the hours that they are required to participate in county-approved activities or employment, and is within a reasonable distance from the participant's home or work site.

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.251 Appropriate and suitable child care is child care that meets the needs of the child and the parent, and meets one of the following requirements:

(a) Child care that is licensed for the appropriate age group or special needs category.

(b) License exempt child care that meets Trustline clearance requirements, unless that child care is exempted from Trustline.

(c) Suitable child care provided by the parent, legal guardian, other member of the assistance unit, or an eligible provider as defined by Section 47-260.

(1) Informal child care is unsuitable where the individual(s) providing the care cannot be Trustline registered in accordance with Section 47-600 or who would otherwise be denied payment for child care services that are exempt from licensure, due to a violent felony conviction, in accordance with Section 47-620.2.

.252 Affordable child care is child care where the unreimbursed cost to the family does not exceed the family fees established by the state in accordance with Sections 47-401.7 and .8.

.253 Reasonable distance means the distance customarily traveled by working families in accessing child care services in the community.

.3 An individual shall have good cause for not complying with program requirements if he or she meets the criteria described in Section 42-721.3.

.4 An individual who is excused from welfare-to-work participation for good cause is subject to the 60-month time limit in Section 42-302.

.41 A CWD may waive the 60-month time limit for victims of domestic abuse as provided in Section 42-713.221(a).

.42 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

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- (a) A memorandum of understanding (MOU) between a county and service providers assists in the prompt receipt of services to individuals. A MOU typically includes a discussion of confidentiality and the extent to which the provider will assist with removal of the individual's barriers to employment.

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- .22 If the participant and the CWD staff are unable to reach an agreement on the welfare-to-work plan, the matter shall be referred by the CWD for an independent assessment by an impartial third party. (See Section 42-711.556)
- .3 Confidentiality (See Division 19)
- .31 Information with respect to domestic abuse victims and their dependents shall not be released to any outside party or other governmental agencies or to any employee of the CWD who is not directly involved in the applicant's or recipient's case.
- .311 Exceptions:
- (a) The information is required to be disclosed by law; or
- (b) The release was authorized in writing by the applicant or recipient.
- .32 All efforts shall be made to preserve the confidentiality and integrity of the service provider and recipient relationship when reviewing an individual's participation in domestic abuse services which are part of his or her welfare to work plan.
- .33 Nothing in these protocols shall preclude the collection of aggregate data with respect to domestic abuse. However, information identifying individual applicants or recipients as domestic abuse victims shall not be disclosed.
- .4 Notice Requirements (See Section 22-071, Section 22-072, and Section 40-126.37)
- .41 County staff trained in serving recipients who are domestic abuse victims, shall discuss personal safety with individuals who have been identified as victims of domestic abuse. Individuals shall be provided the opportunity to make decisions about how he or she is to receive communications and correspondence from the county, subject to due process requirements. The safety of the individual shall be considered at all times.

42-715	DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS	42-715
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(Continued)

.411 Case files shall include documentation of any need for alternative notice requirements and the method chosen. Documentation should include a written statement, signed by the applicant or recipient, indicating the noticing method chosen.

(a) Alternative notice requirements include, but are not limited to:

- (1) Telephone calls;
- (2) Alternate mailing address; or
- (3) Hand delivery.

.5 Waiver of Program Requirements

.51 A county may waive any program requirement, except as specified in Section 42-715.511, for a recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause exists, as specified in Section 42-713.22.

.511 Program requirements that cannot be waived:

- (a) Deprivation (See Section 41-400);
- (b) Assets (See Section 42-200);
- (c) Income (See Section 44-100) or
- (d) Homeless assistance (See Section 44-211.542)

.512 Program requirements that may be waived include, but are not limited to:

- (a) Time limit on receipt of assistance;
- (b) Work requirements;
- (c) Education requirements (based on the teen school requirement as specified in Section 42-719, Section 42-762, and Section 42-769);
- (d) Paternity establishment; and
- (e) Child support cooperation requirement as specified in Section 82-512.11.

42-715	DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS	42-715
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11495, 11495.1, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

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- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities pursuant to Section 42-716.31, as needed to obtain employment.
- .11 Individuals may participate in activities pursuant to Section 42-716.2 for up to the 60-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7.
- .2 Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, individuals who have been granted domestic abuse waivers in accordance with Section 42-715.5, individuals receiving family reunification services in accordance with Section 42-711.61, or 19-year-old custodial parents without a high school diploma in accordance with Section 42-711.31, to fulfill participation requirements:
 - .21 An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).
 - .211 Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 60-month time limit on aid.
 - (a) This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.
 - (1) A month in which an individual participates in at least an average of 20 hours of core activities per week as described in Sections 42-716.31(a) through (j), and (n), shall not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.

42-716	WELFARE-TO-WORK ACTIVITIES (Continued)	42-716
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- .22 The remaining hours, up to 12 hours for an adult in a one-parent assistance unit pursuant to Section 42-711.411, or up to 15 hours for an adult in a two-parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the welfare-to-work activities described in Section 42-716.31.
- .23 Hours spent in specified non-core activities [mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.31(k), (l), (o), and/or (p) respectively] in excess of those that can be accomplished within the non-core hours can count as core hours if:
 - .231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and
 - .232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs meet the criteria listed below:
 - (a) The program leads to a self-supporting job.
 - (b) The individual is making satisfactory progress.
 - (c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.
 - (d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).
 - (1) If the program is not on the county-approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.
- .24 Additional conditions on counting hours spent in non-core activities as core hours.

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- .241 Non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance, as specified in Sections 42-716.31(r) and (s), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23 as core hours.
- .242 Hours spent in vocational education and training, as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours as described in 42-716.23 as core hours.

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- .25 Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria. She must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment (8 and 10 hours, respectively) are necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are counted toward her core requirement. The individual must then participate for 14 hours in a core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	14			14
Substance Abuse		6	2	8
Mental Health			10	10
Total Hours of Participation				32

- Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of his 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are counted toward his core requirement. He must then participate for 15 hours in a core activity to fulfill his 35-hour participation requirement.

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	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	15			15
Job Skills Training		5	15	20
Total Hours of Participation				35

Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) to obtain a self-supporting job as a draftsman. Eight hours of substance abuse treatment is also necessary for the individual to participate in her core activity. Because only 12 of the necessary 28 hours of educational activities and substance abuse treatment can be accomplished as non-core participation hours, the remaining 16 hours in these activities are counted toward her core requirement. She must then participate for four hours in another core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	4			4
Job Skills Training		16	4	20
Substance Abuse Treatment			8	8
Total Hours of Participation				32

Example 4: A non-exempt individual needs 32 hours of short-term substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be accomplished as non-core participation hours, 20 hours of the substance abuse treatment are counted as a core activity. The individual, therefore, is fully meeting his 32-hour participation requirement.

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	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Total Hours of Participation
Substance Abuse		20	12	32

Example 5: An adult in a one-parent AU does not meet welfare-to-work exemption criteria and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of her 32-hour participation requirement must be spent in either core or non-core activities. She needs eight hours of substance abuse treatment services in order to participate in core activities. The individual is currently in her 12th month in a vocational education program which she attends for 24 hours per week. Since participation in a post 12-month vocational education program cannot be counted as a core activity, the individual's welfare-to-work plan is amended to include 20 hours of work experience, which is consistent with her assessment and continues moving her toward self-sufficiency, to meet her core requirement. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the post 12-month vocational education program as a non-core activity to satisfy the 32-hour welfare-to-work requirement. If the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour participation requirement must be on a voluntary basis.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work Experience	20			20
Vocational Education (after counting as core for 12 months), the additional 20 hours must be on a voluntary basis.			4	4
Substance Abuse			8	8
Total Hours of Participation				32

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Example 6: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of education directly related to employment. The family also needs four hours per week of family maintenance activities. Because only 11 of the necessary 20 hours of education directly related to employment can be accomplished as non-core participation hours, the remaining nine hours in this activity are counted toward her core requirement. She must then participate for 11 hours in a core activity to fulfill her 35-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	11			11
Education Directly Related to Employment		9	11	20
Family Maintenance			4	4
Total Hours of Participation				35

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- .26 For purposes of complying with the requirements in Section 42-716.232, study time hours shall be treated in the following manner:
 - .261 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.
 - .262 At the county's option, and when specified in the county's CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.

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- .263 Example: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 16 hours of classroom, laboratory, or internship activities of which four hours is credited study time, in an “education directly related to employment” certificate program (accounting technician program that meets all specified criteria) to obtain a self-supporting job as an accounting technician. Because study time is credited and counts toward the certificate program, it is considered education directly related to employment. Since only 12 of the necessary 16 hours of educational activities can be accomplished as non-core participation hours, the remaining four hours are counted toward her core requirement. She is also participating in 16 hours of work-study, which is a core activity, to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work-study	16			16
Education Directly Related to Employment		4	12	16
Total Hours of Participation				32

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- .3 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.
- .31 Welfare-to-work activities may include, but are not limited to, any of the following:
- (a) Unsubsidized employment.
 - (b) Subsidized private sector employment.
 - (c) Subsidized public sector employment.

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(d) Work experience, as defined in Section 42-701.2(w)(3).

(1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.

(A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.

(B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

(2) The maximum hours of participation in unpaid work experience shall be limited as follows:

(A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.

(B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.

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(3) The monthly limit in Sections 42-716.31(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

(e) On-the-job training (OJT).

(f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.7.

(g) Supported work or transitional employment as defined in Section 42-701.2(s)(3), and pursuant to Section 42-716.7, except that only the grant or the grant savings can be diverted to the employer.

(h) Work study.

(i) Self-employment.

(j) Community service as defined in Section 42-701.2(c)(3).

(1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.

(2) Hours of participation in unpaid community service shall be limited as follows:

(A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

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- (B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.
 - (3) The monthly limit in Sections 42-716.31(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
 - (4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.
- (k) Adult basic education as defined in Section 42-701.2(a)(1).
- (1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.
- (l) Job skills training directly related to employment.
- (m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.
- (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.

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- (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).
- (o) Education directly related to employment.
- (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
- (q) Mental health (see Section 42-716.4), substance abuse (see Section 42-716.5), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment.
- (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
- (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.642(a).

.32 Assignment to an educational activity identified under Sections 42-716.31(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.33 Every CWD shall provide an adequate range of the activities described in Section 42-716.31 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4 Mental Health Treatment Services

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56.

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- | .41 Subject to specific expenditure authority, mental health services available shall include all of the following elements:
 - | .411 An assessment for the purpose of identifying the level of the individual's mental health needs and the appropriate level of treatment and rehabilitation for the participant.
 - | .412 Case management, as appropriate, as determined by the CWD.
 - | .413 Treatment and rehabilitation services that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.
 - | .414 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.5.]
 - | .415 A process by which the CWD can identify those individuals with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000). [The State Supplementary Program for Aged, Blind, and Disabled]

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| .5 Substance Abuse Treatment Services

- | .51 The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.
 - | .511 If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

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- | .512 When an individual is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the individual's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.
- | .513 When a participant's welfare-to-work plan includes assignment to a treatment program, the case manager may determine that the participant is out of compliance with the welfare-to-work plan if, at any time in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.
- | .514 When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county must consult the substance abuse treatment provider as appropriate.
- | .515 No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a welfare-to-work activity, to be determined by the county and the recipient, in consultation with the treatment provider.
- (a) If the recipient is in a state-licensed residential facility or a certified nonresidential substance abuse program that requires him or her to stay at the program site for a minimum of three hours a day, three days per week, or otherwise not to participate in nonprogram activities, the requirements of the treatment program shall fulfill the recipient's welfare-to-work activity requirement.
- | .52 Each county shall report annually to the state the number of CalWORKs Program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

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.6	Job Openings
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.61	The employer or sponsor of an employment or training position specified in Section 42-716.31 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.
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.62	Participants assigned to public agencies shall be allowed to compete in classified service examinations equivalent to the positions they occupy, and all open and promotional examinations for which experience in the job or other relevant experience qualifies under merit system rules.
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.63	A participant's time worked in a position shall apply toward seniority in a merit public agency position, only to the extent permitted under federal or state law, local ordinance, or collective bargaining agreement.
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.7	Grant-based OJT
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.71	The CWD shall assign a recipient to a grant-based OJT funded position only if the individual voluntarily consents in writing to the diversion of her/his grant to an employer as a wage subsidy following a one-on-one meeting in which the consent form and assignment are reviewed and discussed with the individual. The written consent shall include, but is not limited to, the following:
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.711	A statement that the recipient's assignment to grant-based OJT is voluntary and the CWD shall take no action against the individual for refusing to agree to be assigned to a grant-based OJT funded position.
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.712	Notification that the participant is subject to sanction pursuant to Section 42-721, if she/he fails to comply with the requirements of the grant-based OJT assignment without good cause.
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.713	A statement that the participant's net income from grant-based OJT may be less than the participant's current grant payment.
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.714	The worksite(s) and job duties, the duration of the grant-based OJT assignment, hours of employment, hourly wage, and any available benefits.
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.715	The good cause criteria specified in Sections 42-713 and 42-721.3.
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.716	An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.742.
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- | .72 The CWD shall provide grant-based OJT funded community service positions only if the community service component of the county CalWORKs plan specifies the process by which the CWD will comply with the voluntary consent requirement and lists the languages, other than English, in which written consent will be obtained.
- | .73 The participant's diverted cash grant and grant savings shall be used by the employer for the sole purpose of subsidizing the participant's wages.
 - | .731 Any portion of a participant's wage that is funded by the diversion of the recipient's cash grant and/or grant savings to the employer shall not be entitled to the income disregards specified in Section 44-111.23.
 - | .732 Any portion of the grant-based OJT participant's wages that are not derived from the participant's diverted grant and/or grant savings shall be subject to the income disregards specified in Section 44-111.23, however, the resulting grant and grant savings may be diverted to the employer.
 - | .733 Nothing in this Section 42-716.73 shall preclude an employer from using its own funds to pay a portion of the participant's wages.
- | .74 The CWD shall administer grant-based-OJT funded positions in a manner that minimizes any break in income received by the participant as a grant, or as a wage subsidized by the diverted grant and/or grant savings upon entry into, during, or upon exit from the assignment.
 - | .741 Section 42-716.741(MR) shall become inoperative and Section 42-716.741(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
 - (MR) Notwithstanding any other provision of Sections 44-313.1(MR) and .2(MR), the AU's monthly aid grant shall be prospectively budgeted as specified in Section 44-313.11(MR) during the grant-based OJT placement. The prospective budgeting period shall begin in the month the participant is expected to receive her/his first grant-based subsidized wages and for the two months after the assignment ends. CWDs shall explain the requirements of prospective budgeting to all OJT participants.
 - (QR) A grant-based OJT placement may begin mid-quarter.

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(Continued)

- .742 When there is any break in income for a grant-based OJT participant caused by an employer's conduct or the participant's inability or failure to work her/his scheduled hours with or without cause, the CWD shall ensure that a recipient receives 100 percent of the maximum aid grant payment for which she/he is otherwise eligible, less the gross amount of the grant-based wages and any other non-exempt income received by the participant. The payment shall be made as a corrective underpayment within five calendar days of the participant notifying the CWD, or within two calendar days of CWD notification if the participant has an eviction Notice or a Notice to Pay Rent or Quit.
- (a) If the participant's total gross wages paid in a month are less than the total amount of the diverted grant for that month, a corrective underpayment shall be issued in accordance with Section 44-340. This corrective underpayment shall be equal to the difference between the amount of the gross wages paid to the recipient and the amount of the grant diverted for the month.
- (1) The participant shall return to the CWD the amount of unpaid wages that are recovered from the employer and for which the CWD issued a corrective underpayment. Any such recovered wages not returned by the participant to the CWD shall be treated as an overpayment.
- (b) The CWD shall collect from the employer any amount of the grant and/or grant savings diverted to the employer that was not paid as wages to the recipient.
- .75 Wages derived from the diverted grant and/or grant savings and paid to a participant pursuant to this section shall not be considered as income in any determination of financial eligibility for the CalWORKs program.
- .76 The CWD shall not place grant-based OJT participants with an employer unless the employer agrees, at a minimum, to all of the following:
- .761 To use the diverted grant solely for subsidizing the participant's wage and to return to the CWD any of the grant and/or grant savings received that are not paid as wages to the participant.
- .762 Not to displace current employees with grant-based OJT participants pursuant to Section 42-720.1.
- .763 To comply with the labor union and employee notification requirements specified in Section 42-720.3.

42-716	WELFARE-TO-WORK ACTIVITIES	42-716
	(Continued)	

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| | .764 | To comply with all applicable federal and state labor laws and regulations. |
| | .765 | That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.771. |
| | .77 | The CWD shall monitor the retention of participants as employees by employers participating in grant-based OJT. |
| | .771 | The CWD shall cancel participation of employers who demonstrate, over a period of time, either of the following: <ul style="list-style-type: none"> (a) An unwillingness to hire recipients who participated in grant-based OJT with such employers. (b) An inability to provide the participant with the job skills to obtain unsubsidized employment with other employers. |
| | .772 | The CWD shall collect and maintain such records as are necessary to verify participating employer's retention of participants or subsequent unsubsidized employment with other employers. |
| | .78 | Any participant in a grant-based OJT-funded position, who fails or refuses to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4. |

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.7, 11322.8, 11322.9, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, and 11454, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

42-717 JOB RETENTION SERVICES**42-717**

- .1 If provided in the county plan, the CWD may provide job retention services to employed former CalWORKs recipients for a period of up to 12 months. The purpose of job retention services is to assist former recipients to retain employment or to obtain a better job.
 - .11 The period of up to 12 months begins on the earlier of the following dates, but in no event later than one year after the former recipient's aid is discontinued.
 - .111 The date that the former recipient's aid is discontinued, if the former recipient is employed at that time.
 - .112 The date that the former recipient becomes employed.
 - .12 Job retention services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary).
 - .13 A former recipient who does not become employed during the 12 month period after being discontinued from aid is not eligible to receive services under Section 42-717.
- .2 The CWD may provide job retention services to the extent that the services are:
 - .21 not provided by the employer or the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain employment, or needed to advance to new employment that may provide greater income or better benefits.
- .3 The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs 60-month time limits.
- .4 If the CWD decides to offer services to former recipients under Section 42-717, the CWD:
 - .41 May establish eligibility criteria for those services in addition to the eligibility criteria contained in Sections 42-717.1 and .2. If additional criteria are established, they must be reflected in the County Plan (see Section 42-780).
 - .42 Shall adopt written policies determining the duration and types of, and, when applicable, the reimbursement rate for, those services.

42-718	OTHER PROVIDERS OF ACTIVITIES AND SERVICES	42-718
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HANDBOOK BEGINS HERE

.1 Contracting Services

A public agency shall, in implementing CalWORKs and the CalWORKs Welfare-to-Work Program, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law that were in effect on August 21, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 did not become effective until August 22, 1996.

.11 Discrimination Prohibition

Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis of race, sex, national origin, age, or disability.

HANDBOOK ENDS HERE

.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Sections 42-718.212 and .213, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.31(a) through (r) until either of the following has occurred:

(a) The participant has successfully completed the education program.

(1) A prorata share of the payment shall be paid to the education provider if the participant does not complete the education program.

(b) The participant has successfully completed the training program and has been retained in unsubsidized employment for at least 180 days.

(1) Up to 70 percent of the fixed-unit price for training services may be paid upon placement in unsubsidized employment.

42-718	OTHER PROVIDERS OF ACTIVITIES AND SERVICES	42-718
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(Continued)

(A) At least 30 percent of the fixed-unit-price for training services shall be withheld for the follow-up during the 180-day retention period in unsubsidized employment.

1. Progress payments shall be made from the 30 percent withholding portion upon evidence of participant job retention at 30, 90 and 180 days.

(2) A prorata share of the 70 percent fixed-unit-price payment in Section 42-718.211(b)(1) shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.

(A) If the participant in Section 42-718.211(b)(2) obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section 42-718.211(b)(2), and 70 percent of the fixed-unit price for training services shall be paid.

.212 Training and education services funded by sources other than CalWORKs Welfare-to-Work shall be subject to the criteria and requirements of those sources and not to the requirements of Section 42-718.211.

.213 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section 42-718.211, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of welfare-to-work referrals. Utilization of this exemption shall require prior review and approval by CDSS.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10619, 11320, 11322.62, and 11328.8, Welfare and Institutions Code.

42-719	SCHOOL ATTENDANCE	42-719
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- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
- .11 Teens ages 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
 - .111 The welfare-to-work plan for teens ages 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only.
 - (a) These teens may, on a voluntary basis, participate in additional welfare-to-work activities, including job search activities, job readiness activities, and assessment, to the extent that these activities do not interfere with their school attendance.
 - (b) The hours of participation under Section 42-711.4 shall not apply to these teens.
- .2 Except as exempted in accordance with Section 42-712.422, teens ages 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-711.
- .21 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.
- .3 Failure by teens ages 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5.

HANDBOOK BEGINS HERE

- .31 Example 1: A 16- or 17-year old teen fails to attend school regularly. His needs are taken out of the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. If he begins attending school regularly before participation in any specific welfare-to-work activity is required, his needs will be reinstated for complying with the school attendance requirement. Once notified of specific welfare-to-work requirements, the teen must also comply with those requirements. Aid will continue as long as he stays in school and complies with welfare-to-work requirements.
- .32 Example 2: A 16- or 17-year old teen fails to attend school regularly. Her needs are taken out of the family's grant and, at the same time, she loses the exemption from the CalWORKs Welfare-to-Work Program. She begins attending school regularly before participation in any specific welfare-to-work activity is required, and her needs are reinstated for complying with the school attendance requirement. She subsequently fails to comply with a welfare-to-work requirement, and is penalized for that reason. To reinstate her needs, the teen must comply with the Welfare-to-Work Program.
- .33 Example 3: A 16- or 17-year old teen fails to attend school regularly. His needs are not considered in determining the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. He does not resume regular school attendance and also fails to comply with welfare-to-work requirements. His needs will not be reinstated until he complies with both the school attendance and welfare-to-work requirements.

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- .34 Aid shall be restored in accordance with Section 40-105.5(g).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454, Welfare and Institutions Code; and Section 48200, Education Code.

42-720	NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES	42-720
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.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.31(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

- .11 Displacement or partial displacement of current employees including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.
- .12 The filling of positions that would be promotional opportunities for current employees, unless such promotions are routinely filled through an open process in which recipients are provided an opportunity to compete for the job.
- .13 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
- .14 The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.
- .15 The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
- .16 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
- .17 The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
- .18 The termination of a contract for services, before its expiration date, that displaces or partially displaces workers performing contracted services and which is caused by the employer's intent to fill the vacancy with a subsidized welfare-to-work participant.
- .19 The denial to a participant or employee of protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.

.2 Sections 42-720.12, 42-720.14, and 42-720.17 shall not apply to unsubsidized employment placements.

42-720	NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES	42-720
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(Continued)

.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.31 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 Non-union employees of the use of CalWORKs welfare-to-work participants and the availability of the grievance process described in Section 42-720.4.

(a) Display of a poster shall satisfy this requirement.

(1) The poster required by Section 42-720.312(a) shall not identify any welfare-to-work participant.

.4 Employee Displacement Grievance Process

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a welfare-to-work participant to community service, work experience, on-the-job training (OJT), or any activity funded by grant-based OJT training violates any of the displacement provisions contained in Section 42-720.1, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury.

.41 Informal Resolution

.411 Upon receipt of a written complaint by the employee or employee's representative, the CWD shall contact both the complainant and affected employer and attempt to informally resolve the complaint.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS	42-721
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(Continued)

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

- (a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or
- (b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(3), and in accordance with Section 42-716.31(j)(2).

.314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

.315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.

.316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.

- (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
- (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.

.317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued)	42-721
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- .32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.
- .33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

- .41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.

.411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 60-month time limit in accordance with Section 42-302.115.

.412 The period of time a sanctioned individual is considered a reunification parent under Section 82-812.68 shall count toward meeting the sanction periods specified in Section 42-721.43.

.413 Section 42-721.413(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(QR) A financial sanction is a county-initiated mid-quarter change pursuant to Section 44-316.331(b)(QR).

- .42 The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS	42-721
	(Continued)	

.5 State Hearing and Formal Grievance

.51 Except as specified in Section 42-721.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

- (a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.
- (b) Procedures for a state hearing are specified in MPP Division 22.
- (c) With the exception of welfare-to-work supportive services (see Section 42-750.213), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42-721.441).
- (d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers' compensation coverage, the party may appeal the decision to the appropriate state regulating agency.
 - (1) A copy of the written decision shall be issued to all affected parties and shall identify the right to appeal. The decision shall also provide the address and instructions for filing an appeal.
 - (A) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.
- (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.

.512 Formal Grievance Procedures

- (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan.

42-721	NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued)	42-721
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- (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the welfare-to-work plan or inconsistent with Chapter 42-700.
- (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing or the results of an assessment made according to Section 42-711.55.
- (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-721.2. Under those circumstances, the applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure is being processed.
 - (1) This information shall be provided to an individual when he or she requests information about the procedure for filing a formal grievance.

.513 The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's participation in Welfare-to-Work in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
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.1 CalWORKs Welfare-to-Work Learning Disabilities Screening Requirements

- .11 Counties must offer CalWORKs welfare-to-work participants a screening for learning disabilities at the first welfare-to-work contact (i.e., orientation or appraisal) or by no later than the assessment as described in Section 42-711.55.
 - .111 The offer of the screening and evaluation must be both verbal and in writing.
- .12 Counties are required to provide information about the screening, both verbally and in writing at the first welfare-to-work contact, including a description, of the purpose and benefits of the screening and evaluation.

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
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(Continued)

.541 Counties must obtain the participant's written consent to share this information with individuals or organizations outside of the county welfare department.

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.411 or .421.

.611 For the purposes of Section 42-722.61, required hours may include participation in supplemental activities that are supportive of the participant's employment goals and consistent with the learning disabilities evaluation and welfare-to-work plan.

(a) These activities may include, but are not limited to, adult basic education, literacy tutoring, and, if allowable under the county's CalWORKs plan or as a reasonable accommodation, study time for participants who are in educational programs that are not self-initiated.

.7 Identifying Participants With Learning Disabilities During Good Cause Determination, Compliance Process and/ or Stopping of a Welfare-to-Work Sanction

.71 If a learning disability is confirmed through an evaluation during a participant's good cause determination or compliance process, the county must determine if the disability contributed to the participant's failure to participate.

.72 If it is determined that the learning disability diminished the participant's ability to participate:

.721 The participant shall be considered to have good cause for his/her failure to participate in accordance with Section 42-713 or, if appropriate, be exempt from welfare-to-work requirements in accordance with Section 42-712;

.722 The participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and

.723 As necessary, the county shall also review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Section 42-722.532(c).

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS (Continued)	42-722
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.73 If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her welfare-to-work sanction, the county will determine whether the learning disability was a contributing factor to his/her noncompliance.

.731 If the learning disability was a contributing factor to the individual's noncompliance:

- (a) The county will rescind the sanction and the participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and
- (b) The county will give the individual the choice of:
 - (1) receiving retroactive cash aid payments for the months the individual was improperly sanctioned; or
 - (2) prospectively resuming receipt of cash aid and welfare-to-work services, effective the date the participant is determined to be no longer sanctioned.
- (c) If the individual chooses to receive aid for the rescinded sanction period, in accordance with Section 42-722.731(b)(1), all months in that period will be counted against the 60-month time limit.
- (d) As necessary, the county will review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Sections 42-722.532(c).

.74 If the county cannot determine from the evaluation report if the disability contributed to the participant's failure to participate, the county must consult with the learning disabilities evaluator or another learning disabilities specialist to make the determination.

.75 If the learning disability was not a contributing factor to noncompliance, the county shall continue the sanctioning process in accordance with Section 42-721.4.

| .8 Inter-County Transfers of Individuals With Learning Disabilities

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY		
Regulations	WELFARE-TO-WORK	42-731

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
	(Continued)	

- .81 If a welfare-to-work participant with an identified learning disability moves from one county to another:
 - .811 The first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.
 - .812 The second county must develop a new, or modify the existing, welfare-to-work plan, as necessary, to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources.
 - .813 The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

Note: Authority Cited: Section 10553, Welfare and Institutions Code. Reference: Sections 10850, 11320.3(f), 11322.8, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

42-730	GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES	42-730
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-731	EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS	42-731
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Renumbered to Sections 42-720.4, .5, .6, and .7 by Manual Letter No. EAS-98-03, effective 7/1/98.

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**CHAPTER 42-800 WELFARE-TO-WORK REQUIREMENTS FOR REFUGEE CASH
ASSISTANCE (RCA) PARTICIPANTS**

**42-800 WELFARE-TO-WORK REQUIREMENTS FOR RCA 42-800
PARTICIPANTS: INTRODUCTION**

- .1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the Welfare-to-Work Program shall be required, as a condition of eligibility, to participate in welfare-to-work activities.
- .2 All Chapter 42-700 regulations shall apply for purposes of Refugee Cash Assistance welfare-to-work participants, unless superseded by regulations contained in Sections 42-800 through 42-811.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code.

42-801 WELFARE-TO-WORK PARTICIPATION FOR RCA PARTICIPANTS 42-801

- .1 The RCA eligible who meets the criteria in Sections 69-206.11 and 42-800.1 and who is not exempt under Section 69-208.4, shall participate, as a condition of eligibility.
- .2 If the individual fails or refuses to participate, the procedures in Sections 69-209 and 69-210 shall apply.
- .3 The CWD shall follow the procedures in Section 42-711 except that RCA welfare-to-work participants are not eligible for supportive services unless funded through sources other than CalWORKs.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (c), Welfare and Institutions Code.

**42-802 JOB, TRAINING, AND EDUCATION FOR RCA 42-802
WELFARE-TO-WORK PARTICIPANTS**

- .1 Education Services
 - .11 RCA welfare-to-work participants may participate in college and community college educational programs provided it does not constitute full-time attendance as defined in Section 69-206.5 or is exempt under Section 69-206.52 or .53.
- | .2 Work experience as described in Section 42-716.31(d).
 - .21 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-802	JOB, TRAINING, AND EDUCATION FOR RCA WELFARE-TO-WORK PARTICIPANTS (Continued)	42-802
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code; and 45 CFR 400.203.

42-803	BASIC PARTICIPANT WELFARE-TO-WORK PLAN REQUIREMENTS FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-803
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- .1 Self-initiated plans are allowable; however, an educational plan which includes full-time attendance in an institution of higher education, as defined in Section 69-206.5, shall not be allowed except as defined in Sections 69-206.52 or .53.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

42-804	DEVELOPMENT OF A WELFARE-TO-WORK PLAN FOR RCA PARTICIPANTS	42-804
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- .1 All RCA welfare-to-work participants shall cooperate with the CWD, or agency contracting with the CWD, to develop a mutually agreed upon welfare-to-work plan according to the requirements of Section 69-208.1.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

42-805	JOB SEARCH FOR RCA WELFARE-TO-WORK PARTICIPANTS	42-805
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- .1 Job search shall be conducted according to the requirements of Section 69-208.2.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.80.

42-1006	DEVELOPMENT OF AN EMPLOYABILITY PLAN FOR SRS COMPONENT PARTICIPANTS (Continued)	42-1006
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- .145 To the maximum extent possible the preferences of the participant.
- .2 The employability plan shall not be considered a contract.
- .3 Final approval of the employability plan rests with the determination agency.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

42-1007	SRS PARTICIPANT PLANS	42-1007
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- .1 Counties shall use plans for clients participating in the SRS Component.
- .2 Counties shall be permitted to use the participant's welfare-to-work plan or, subject to CDSS review and approval, develop their own county-specific plans.
- .3 All client plans shall be signed by the participant and the provider agency and shall, at a minimum, contain the following information:
 - .31 The purpose of the plan;
 - .32 The provider's participation standards;
 - .33 The participant's obligations, rights and responsibilities;
 - .34 The length of participation in the service/activity, including the number of hours of participation per week;
 - .35 The educational, training and/or employment services activities in which the refugee will participate; and
 - .36 A detailed description of the types of supportive services generally available to SRS welfare-to-work participants and a statement that supportive services shall be provided to the participant (see Section 42-750).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, 11322.6, and 13280, Welfare and Institutions Code.

42-1008	PURCHASE OF SERVICE CONTRACTS	42-1008
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- .1 Except where prohibited by CDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service and Section 42-718.1), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, CalWORKs shall be permitted to use performance-based contracts to purchase such services.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, and 13280, Welfare and Institutions Code.

42-1009	MANDATORY COMPONENTS FOR SRS PARTICIPANTS	42-1009
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- .1 The SRS Component shall include the following four services and activities.
- .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:
- .111 High school education or education designed to prepare a person to qualify for a high school equivalency certificate;
- .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.32.
- .113 Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read, or write the English language to allow employment commensurate with his/her employment goal;
- .12 Job skills training, which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area;
- .13 Job readiness activities that help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market; and

42-1009	MANDATORY COMPONENTS FOR SRS PARTICIPANTS	42-1009
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(Continued)

- .14 Job development and job placement activity by the agency; e.g., soliciting a public or private employer's unsubsidized job opening or discovering such job openings, the marketing of participants, and securing job interviews for participants.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11322.6 and 13280, Welfare and Institutions Code.

42-1010	OPTIONAL COMPONENTS FOR SRS PARTICIPANTS	42-1010
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- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.31:

- .11 Repealed by Manual Letter No. 98-03, effective 7/1/98.

- .12 Repealed by Manual Letter No. 98-03, effective 7/1/98.

- .13 Repealed by Manual Letter No. 98-03, effective 7/1/98.

- .14 Repealed by Manual Letter No. 98-03, effective 7/1/98.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11322.7, Welfare and Institutions Code.

42-1011	CRITERIA FOR COMPONENT ASSIGNMENT OF TEENAGE PARENTS	42-1011
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- .1 Counties shall provide educational services for teenage parents as described in 45 CFR Part 250.32(a) in the SRS Component.

HANDBOOK BEGINS HERE

- .2 Counties may use resources (non-CalWORKs) other than refugee funds to cover the costs of these services.

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 13280, Welfare and Institutions Code.

42-1012	CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS	42-1012
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- .1 Counties shall be permitted to designate an agency other than the CWD as the agency responsible for performing specific allowable case management tasks and/or activities.
- | .2 Eligibility determinations for CalWORKs and all sanctioning activities shall be handled by the CWD staff.
- | .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for CalWORKs as a result of such employment.

| NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72, pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

44-105	DIFFERENTIATION OF PROPERTY AND INCOME (Continued)	44-105
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.33 The portion of the payment which compensates for converted property shall be treated in accordance with Section 42-213.

.34 Any remainder shall be treated in accordance with Section 44-113.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME	44-111
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.1 The Exclusions and Exemptions and the Applicable Programs are Discussed Below

Federal and state statutes exclude or exempt certain types of payments or benefits in whole or in part from consideration as income. These exclusions and exemptions vary widely between programs. However, the federal statutes also provide that any income to an individual which is disregarded in determining his eligibility under the provisions of one categorical aid program, shall not be taken into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving aid under another categorical aid program.

.2 Exemption of Earned Income

(See Section 44-101(e) for the definition of earned income.)

.21 Job Training Partnership Act (JTPA) - Earned Income of a Child

.211 All earnings of a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded from consideration as income for both eligibility and grant determinations.

.212 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.22 Student Exemption

.221 All earned income of a child under 19 years old is exempt if:

- a. He/she is a full-time student, or
- b. He/she has a school schedule that is equal to at least one-half of a full-time curriculum, and he is not employed full time.

.222 For purposes of this exemption the following definitions apply:

- a. School attendance is defined as attendance in a school, college, university, or in a course of vocational or technical training designed to fit the child for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act.

44-111	PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)	44-111
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- b. Part-time employment is defined as less than 173 hours per month.
- .223 The student exemption applies to full- or part-time earnings between school terms or during vacation periods, if the child plans to continue to be a student next term or when the vacation period ends.
- .224 This exemption is applied:
 - a. For financial eligibility purposes, to the earnings of full-time student applicants and recipients and part-time student recipients. This exemption does not apply to earnings of a part-time student applicant. See Section 44-207.321.
 - b. For purposes of grant determination whether or not the student has received aid previously.
- .23 \$225 and 50% Disregards
 - .231 A family shall have \$225 of disability-based unearned income or any earned income and 50% of any remaining earned income disregarded as income. These disregards are applied as follows and subject to the method outlined in Section 44-113.2. If the disability-based unearned income is:
 - (a) Greater than \$225, the difference is added to any other nonexempt income.
 - (b) Less than \$225, the remainder of the disregard is subtracted from any earned income.
 - (c) Zero, the \$225 is applied against any earned income.
 - .232 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
 - .233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.31(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.
- .24 College Work Study Programs

Earned income from any college work study program is exempt. This exemption is applied for both eligibility and grant determination whether or not the student has received aid previously.